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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,101	12/30/2003	James P. Martucci	3712044-01148	3167

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EXAMINER	
ALTSCHUL, AMBER L	
ART UNIT	PAPER NUMBER
3686	

NOTIFICATION DATE	DELIVERY MODE
09/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No.	Applicant(s)	
	10/749,101	MARTUCCI ET AL.	
	Examiner	Art Unit	
	AMBER ALTSCHUL	3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6,8-12,14-16,18-31 and 33-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,8-12,14-16,18-31 and 33-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is in response to the amendment filed on July 1, 2010. Claims 1, 16, and 30 are amended. Claims 1, 4-6, 8-12, 14-16, 18-31, and 33-35 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4-6, 8-12, 14-16, 18-31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number 6,408,330, DeLaHuerga, et al., hereinafter DeLaHuerga in view of United States Patent Number 6,241,704, Peterson, et al.

4. (Currently Amended) As per claim 1, DeLaHuerga teaches a method for verifying medical device settings within a healthcare system comprising the steps of:

transmitting data relating to operational parameters from the medical device to a first computer, (column 2, lines 48-55);

storing data relating to an order in a memory of the first computer, (column 3, lines 16-21);

initiating a comparison of the operational parameters sent from the medical device and at least a portion of the order via an input device of a remote computer, (column 54, lines 49-58);

after initiating the comparison, the first computer, comparing at least one of the operational parameters sent from the medical device to at least a portion of the order, (column 36, lines 65-67 and column 37, lines 1-16);

If the operational parameters sent from the medical device match the portion of the order, displaying an instruction on the display device of the remote computer, (column 53, lines 21-28 and column 54, lines 49-58).

DeLaHuerga does not teach transmitting data relating to an order from a second computer to the first computer. However, Peterson teaches Transmitting data relating to an order from a second computer to the first computer, (see Peterson column 22, lines 41-54). One of ordinary skill in the art would have been motivated to incorporate this method into DeLaHuerga for the purpose of properly and adequately monitor the medical device, (See Peterson column 1, lines 46-51);

DeLaHuerga does not teach displaying a result of the comparison of the operational parameters sent from the medical device to the portion of the order on a display device of the remote computer. However, Peterson teaches displaying a result of the comparison of the operational parameters sent from the medical device to the portion of the order on a display device of the remote computer, (See Peterson column 6, lines 1-28, and column 15, lines 6-18). One of ordinary skill in the art would have been motivated to incorporate this method into

DeLaHuerga for the purpose of properly and adequately monitor the medical device, (See Peterson column 1, lines 46-51);

DeLaHuerga does not teach Initiating a comparison of piggyback operational parameters sent from the medical device and at least a portion of the order via the input device of the remote computer. However, Peterson teaches Initiating a comparison of piggyback operational parameters sent from the medical device and at least a portion of the order via the input device of the remote computer, (column 23, lines 54-64). One of ordinary skill in the art would have been motivated to incorporate this method into DeLaHuerga for the purpose of properly and adequately monitor the medical device, (See Peterson column 1, lines 46-51);

DeLaHuerga does not teach After initiating the comparison of the piggyback operational parameters, the first computer comparing at least one of the piggyback operational parameters sent from the medical device to the portion of the order. However, Peterson teaches After initiating the comparison of the piggyback operational parameters, the first computer comparing at least one of the piggyback operational parameters sent from the medical device to the portion of the order, (column 2, lines 14-24). One of ordinary skill in the art would have been motivated to incorporate this method into DeLaHuerga for the purpose of properly and adequately monitor the medical device, (See Peterson column 1, lines 46-51); and

DeLaHuerga does not teach If the piggyback operational parameters sent from the medical device matches the portion of the order, displaying an instruction on the display device of the remote computer. However, Peterson teaches If the piggyback operational parameters sent from the medical device matches the portion of the order, displaying an instruction on the display

device of the remote computer, (column 16, lines 62-65). _One of ordinary skill in the art would have been motivated to incorporate this method into DeLaHuerga for the purpose of properly and adequately monitor the medical device, (See Peterson column 1, lines 46-51).

5. (Previously Presented) As per claim 4, DeLaHuerga teaches the method of claim 1 as described above. DeLaHuerga further teaches wherein the remote computer is a wireless handheld device, and further comprising the step of transmitting a wireless comparison result signal to the wireless handheld device, (column 5, lines 41-54).

6. (Original) As per claim 5, DeLaHuerga teaches the method of claim 1 as described above. DeLaHuerga further teaches wherein the transmission of operational parameters is secure, (column 43, lines 19-28).

7. (Original) As per claim 6, this claim is rejected for the same reasons as set forth in claim 5 above.

8. (Previously Presented) As per claim 8, DeLaHuerga teaches the method of claim 1 as described above. DeLaHuerga further teaches wherein the transmission of the order data from the second computer to a first computer is via a secure communication line, (column 1, lines 18-27).

9. (Original) As per claim 9, DeLaHuerga teaches the method of claim 1 as described above. DeLaHuerga further teaches wherein the data relating to the order comprises data for a patient identifier and a prescription identifier, (column 1, lines 36-47 and column 9, lines 42-49).

10. (Original) As per claim 10, DeLaHuerga teaches the method of claim 1 as described above. DeLaHuerga further teaches wherein the operational parameters comprise settings manually programmed into the medical device, (column 9, lines 55-64).

11. (Original) As per claim 11, DeLaHuerga teaches the method of claim 1 as described above. DeLaHuerga further teaches operational parameters are downloaded into the medical device from the first computer, (column 43, lines 19-28).

12. (Previously Presented) As per claim 12, DeLaHuerga teaches the method of claim 1 as described above. DeLaHuerga further teaches wherein the operational parameters are downloaded into the medical device from the remote computer, (column 1, lines 18-27).

13. (Original) As per claim 14, DeLaHuerga teaches the method of claim 1 as described above. DeLaHuerga further teaches wherein the medical device is a pump controller, (column 17, lines 38-54).

14. (Original) As per claim 15, DeLaHuerga teaches the method of claims 1 and 14 as described above. DeLaHuerga further teaches wherein the pump controller controls an in-line MEMS device, (column 17, lines 38-54).

15. (Currently Amended) As per claim 16, this claim is rejected for the same reasons as claims 1 and 4 above.

16. (Original) As per claim 18, DeLaHuerga teaches the method of claim 16 as described above. DeLaHuerga further teaches wherein the data relating to settings comprises at least a programmed infusion dose, wherein the data relating to the order comprises at least a prescribed infusion dose, and wherein the step of comparing data comprises the step of comparing the

programmed infusion dose to the prescribed infusion dose, (column 17, lines 37-55 and column 58, lines 1-16).

17. (Original) As per claim 19, DeLaHuerga teaches the method of claim 16 as described above. DeLaHuerga further teaches wherein wherein the data relating to settings comprises at least a programmed infusion volume, wherein the data relating to the order comprises at least a prescribed infusion volume, and wherein the step of comparing data comprises the step of comparing the programmed infusion volume to the prescribed infusion volume, (column 17, lines 37-55 and column 58, lines 1-16).

18. (Original) As per claim 20, DeLaHuerga teaches the method of claim 16 as described above. DeLaHuerga further teaches comprising the step of linking a patient identifier and an order identifier, (column 1, lines 36-47 and column 9, lines 42-49).

19. (Original) As per claim 21, DeLaHuerga teaches the method of claims 16 and 20 as described above. DeLaHuerga further teaches further comprising the step of linking a pumping channel with the patient identifier and the order identifier, (column 1, lines 36-47 and column 9, lines 42-49).

20. (Original) As per claim 22, DeLaHuerga teaches the method of claims 16 and 20 as described above. DeLaHuerga further teaches comprising the steps of precluding a comparison of the data transmitted from the medical device to the data in the order where a link between the patient identifier and the order identifier is not established, (column 1, lines 36-47 and column 9, lines 42-49).

21. (Original) As per claim 23, DeLaHuerga teaches the method of claim 16 as described above. DeLaHuerga further teaches comprising the step of checking if the data transmitted to the first computer relating to settings from the medical device is fresh data, (column 9, lines 55-64).

22. (Original) As per claim 24, DeLaHuerga teaches the method of claims 16 and 23 as described above. DeLaHuerga further teaches further comprising the step of requesting new data if the data transmitted to the first computer relating to settings from the medical device is not fresh data, (column 43, lines 19-28).

23. (Original) As per claim 25, DeLaHuerga teaches the method of claim 16 as described above. DeLaHuerga further teaches further comprising the step of accepting a mismatched comparison result, (column 37, lines 17-31 and column 43, lines 19-28).

24. (Original) As per claim 26, DeLaHuerga teaches the method of claims 16 and 25 as described above. DeLaHuerga further teaches further comprising the step of recording an administration result, (column 1, lines 36-47).

25. (Original) As per claims 27 is rejected for the same reasons as claim 26 above.

26. (Original) As per claim 28, this claim is rejected for the same reasons as set forth in claims 1, 4, and 16 above.

27. (Original) As per claim 29, DeLaHuerga teaches the method of claim 16 as described above. DeLaHuerga further teaches further comprising the step of transmitting a cannot compare signal if channel data is erroneous, (column 4, lines 15-22).

28. (Currently Amended) As per claim 30, this claim is rejected for the same reasons as set forth in claims 1, 4, 8, 13, and 16 above.

29. (Original) As per claim 31, DeLaHuerga teaches the system of claim 30 as described above. DeLaHuerga further teaches a further comprising a wireless transmitter electrically connected to the medical device to send a wireless signal containing the data relating to the medical device's operational parameters to the first computer, (column 5, lines 41-54).

30. (Original) As per claim 33, DeLaHuerga teaches the system of claim 30 as described above. DeLaHuerga further teaches a wherein the remote computer is a wireless handheld device, (column 5, lines 41-54).

31. (Previously Presented) As per claim 34, DeLaHuerga teaches the system of claim 30 as described above. DeLaHuerga further teaches wherein the second computer that sends patient information data to the first computer, (column 1, lines 18-27).

32. (Original) As per claim 35, DeLaHuerga teaches the system of claims 30 and 34 as described above. DeLaHuerga further teaches a wherein the patient information comprises at least one of patient identification, room assignment, bed assignment, and admission status, (column 9, lines 41-49).

Response to Arguments

33. Applicant's remarks with regard to the application of De La Huerga in view of Peterson to claims 1, 4-6, 8-12, 14-16, 18-31, and 33-35 are moot in the above Office Action.

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is (571) 270-1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday Off.

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gerald J. O'Connor can be reached on (571) 272-6787. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

37. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-8219.

38. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) method. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR method, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR method, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the automated information method, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/A. L. A./
Examiner, Art Unit 3686
September 10, 2010

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686